



UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN BIRMELE,

Defendant.

2:11-CR-015-LDG (PAL)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on June 21, 2011, defendant JOHN BIRMELE pled guilty to Count One of an Eighteen Count Criminal Indictment charging him with Conspiracy to Distribute Less Than 50 Kilograms of Marijuana, in violation of Title 21, United States Code, Sections 841(a)(a), (b)(1)(D), and 846 and Failure to Disclose Information Affecting SSA Benefits, in violation of Title 42, United States Code, Sections 1383a(2) and (3) . Docket # ____.

This Court finds defendant JOHN BIRMELE agreed to the forfeiture of the property set forth in Forfeiture Allegations of the Criminal Indictment. #42.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegations of the Criminal Indictment and the offenses to which defendant JOHN BIRMELE pled guilty.

The following assets are subject to forfeiture pursuant to Title 21, United States Code, Sections 841(a)(1), (b)(1)(C), and (b)(1)(D); 846, and 853(a)(1).

...

- 1 a. \$2,015.00 in U.S. Currency;
- 2 b. \$1,807.00 in U.S. Currency;
- 3 c. \$48,920.00 in U.S. Currency;
- 4 d. a Ruger .38 cal. Revolver, bearing serial number 540-48039;
- 5 e. a Taurus PT709, 9mm semi-automatic handgun, bearing serial number TD082373;
- 6 and
- 7 f. any and all ammunition ("property").

8 This Court finds the United States of America is now entitled to, and should, reduce the
9 aforementioned property to the possession of the United States of America.

10 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
11 United States of America should seize the aforementioned property.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
13 JOHN BIRMELE in the aforementioned property is forfeited and is vested in the United States of
14 America and shall be safely held by the United States of America until further order of the Court.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
16 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
17 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state
18 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state
19 the name and contact information for the government attorney to be served with the petition,
20 pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
22 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
24 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
25 following address at the time of filing:

1 Michael A. Humphreys
2 Assistant United States Attorney
3 Daniel D. Hollingsworth
4 Assistant United States Attorney
5 Nevada State Bar No. 1925
6 Lloyd D. George United States Courthouse
7 333 Las Vegas Boulevard South, Suite 5000
8 Las Vegas, Nevada 89101

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
10 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
11 following publication of notice of seizure and intent to administratively forfeit the above-described
12 property.

13 DATED this 21 day of June, 2011.

14 
15 UNITED STATES DISTRICT JUDGE